



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Tuesday, August 15, 2017

5:00 PM

City Council Chambers

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630 E. Hopkins

### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Thomaides at 5:08 p.m. Tuesday, August 15, 2017 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666**

### II. Roll Call

**Present:** 7 - Mayor John Thomaides, Mayor Pro-Tem Jane Hughson, Deputy Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Ed Mihalkanin, Council Member Scott Gregson and Council Member Melissa Derrick

### III. Invocation

**Reverend Scottie McIntyre Johnson, of San Marcos Unitarian Universalist Fellowship provided this evening's invocation.**

### IV. Pledges Of Allegiance - United States And Texas

**Mayor Thomaides led the assembly in the Pledges of Allegiance.**

### EXECUTIVE SESSION

1. 5:00PM Executive Session in accordance with Section § 551.071 of the Texas Government Code: Consultation with Attorney - to receive advice of legal counsel regarding implementation of Senate Bill 4, and pending litigation regarding the bill.

**A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to enter Executive Session at 5:46p.m. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

2. Consider adoption or direction to Staff on matters discussed in Executive Session.

**A motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to bring back a formal Resolution that includes the**

**following statement made by Mayor Thomaides regarding Senate Bill 4 (SB4):**

**"Just before we gathered back here in the council chambers the City Council received legal advice regarding SB 4 in executive session.**

**We want to let each of you know that we have heard your concerns regarding SB 4. We have each – individually - listened, learned and gathered as much information as possible about the potential new law and potential impacts.**

**We also want you to know that the fact that we have not issued a public statement, until now, is not due to lack of care or concern for our residents or the fears that have been expressed. In fact, it's because we know the passion of our community that we want to ensure that we take the time to fully understand the issues and the possible outcomes of our actions.**

**We also want to express that whether or not SB 4 becomes law – The San Marcos Police Department stands ready to protect you, your family, and your property. We don't want anyone to allow fears of immigration enforcement to prevent them from calling the police when the need arises.**

**Community policing is a priority of our police department. Our police chief and each of our officers works to foster relationships with our diverse community, businesses, and organizations. The City values those relationships, and SB 4 will not deter the city from continuing to cultivate them. The San Marcos Police Department has long-established policies against racial profiling and discrimination and we will continue to be guided by those policies.**

**As I mentioned, we have heard concerns, not only from our own citizens, but also from other cities and police departments across the State. Some of those concerns include:**

**1. Police Departments across the State of Texas, and the Texas Police Chiefs' Association have expressed concern that SB 4 will damage cooperation between the police and the community they are sworn to protect and serve. If crimes go unreported due to fear of immigration enforcement by police personnel, the community will be less safe and efforts to prevent crime will be weakened. That's why we stress the importance of not allowing the fears surrounding this statute to deter you from trusting in and relying on the men and women of our police department when you need them most.**

**2. There are also concerns expressed in cities throughout Texas that the statute**

is vaguely written, and doesn't provide clear boundaries for elected officials and city employees. Public officials are left in doubt about actions that could make them personally liable for thousands of dollars in civil penalties or removal from office for merely expressing an opinion that is protected by the First Amendment. We hope the pending lawsuit will address these concerns and give our community members, staff and elected officials peace of mind and clear boundaries.

The City Council continues to weigh the issues surrounding SB 4, and as a part of our process we have obtained advice from our legal team, professional organizations and our city's legislative consultants. We believe the some of the facts they shared with us, should be shared with you.

1. Many of you are aware that there is a lawsuit pending before United States District Judge Orlando Garcia that will resolve the constitutional issues that have been raised regarding SB 4. His ruling will apply state-wide to all cities, even those that have not intervened in the case... including San Marcos.
2. The City has been very careful about public statements regarding SB 4. The way the bill is written, official criticism of the bill could, in itself, be construed as a violation of SB 4. Unless such statement is revoked before September 1st, any policy statement, whether formal or informal, by an employee or elected official that is believed to "materially limit the enforcement of immigration laws" can result in that person's removal from office and subject them to thousands of dollars in civil penalties.
3. Cities across the state have also expressed concerns about the loss of state and federal grant funds by those communities that publicly denounce SB 4. The state and federal funds the City of San Marcos receives provide much-needed benefits for our community including H.U.D. DR funds to help us recover from the devastating floods in 2015, public safety grants to keep our community safe, along with many others.
4. Communities across Texas have also expressed concerns that public statements denouncing SB 4 or expressing unwillingness to cooperate with the U.S. immigration authorities could lead to increased ICE raids focused on individuals who are not suspected of committing any crime. The City Council has absorbed this information; we have listened and heard the comments our community members have made. We hope this information clarifies our concerns surrounding SB 4, and our concerns for the City of San Marcos and those who live here.

**In light of the information we have received from our legal counsel, the community and staff we believe the best way to move forward is to issue the following statement and direction.**

**The San Marcos City Council hereby expresses concerns about the effects of SB 4 on our entire community and will initiate additional community outreach and education with our police and other city departments in order to maintain and improve trust and to ensure the health, mental health, safety, and welfare of ALL residents, their families and children, students of our community.**

**The City Council believes that immigration is a federal government responsibility. SB 4 may impose an unfunded state mandate, and provisions in SB 4 may violate the United States Constitution. The City Council is directing the staff to monitor the pending litigation and let the decision of U.S. District Judge Orlando L. Garcia guide the City's future actions with regard to SB 4, while continuing to uphold our City's values of inclusion and partnership with our diverse community. The Council directs staff to explore programs that will deal with the range of issues, fears, and concerns arising from SB 4."**

**The motion carried by the following vote:**

**For: 7 -** Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against: 0**

## **PRESENTATIONS**

3. Receive a presentation from Dr. Thomas Longoria regarding "Texas College Town Poverty in Comparative Perspective", and provide direction to Staff.

**A motion was made by Mayor Thomaides, seconded by Mayor Pro-Tem Hughson, to postpone this presentation to a future date. The motion carried by the following vote:**

**For: 7 -** Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against: 0**

4. Receive a presentation regarding the report submitted by the Comprehensive Plan Oversight Committee, and provide direction to staff.

**Mr. Joe Cox, Chair of the Comprehensive Plan Oversight Committee provided**

a brief update to City Council regarding the notable projects completed during the course of the year. Mr. Cox provided that there were 67 completed projects and currently 82 active or ongoing projects. These are included as attachment E to the minutes.

### **6:00 PM**

#### V. 30 Minute Citizen Comment Period

**Diana Garcia, San Marcos, addressed the Council as a local teacher for over 21 years and spoke about Senate Bill 4 (SB4) and shared her thoughts about her concerns with the bill and how immigration policy impacts the students that will be impacted by the fear of this bill. She stated that she is having a hard time processing the hate and racism that is being shown on the news. Sitting Bull once said "let us put our minds together and see what kinds of life we can make for our children". She asked the Council to join in the litigation against SB4.**

**Tomas Diaz de Leon, Martindale, recall all statements heard earlier at the press conference and those speaking this evening when making your decision about SB4.**

**Gloria Salazar, San Marcos, addressed the Council on behalf of Mano Amiga and stated that they have been trying to get information to the Council for a couple of months now and want them to be prepared to make this decision. She provided examples of the fears the community and the families within San Marcos have experienced. She stated that one family of a middle school aged child feared driving her child to a summer camp at El Centro out of fear of being pulled over. She wants council to help end SB4.**

**Michelle Sotolongo, San Marcos, stated that her family immigrated from Mexico to Houston over 31 years ago. She wanted to speak to the Council to see beyond statistics and see how this affects the community. We want the City Council to be honest and transparent about what we will do regarding this issue and lead us. September 1, 2017 will be the day the diverse community of San Marcos**

**Karen Brown, San Marcos, asked Council to resist SB4 and stated it is probably unconstitutional. She said to please show leadership and resist it. She stated this bill limits local control, is an unfunded mandate, undermines public safety and is an unjust law. She stated that documented or undocumented immigrants need to be able to work with local law enforcement without fear of being detained. She provided that the Texas Police Chiefs**

Association agrees with her. She said that SB4 has deteriorated the relationships between the Hispanic community and the local police department in Houston as reported by Chief Acevado. She stated that drugs and human trafficking has increased. This is an unjust law. She quoted Martin Luther King "difference between just and unjust law". This is an unjust law. Stand up against SB4.

Claudia Gaspone, asked the Council to facilitate love and compassion and resist the fears that are plaguing our citizens and stand against SB4. She asked Council to join the litigation against SB4. She continued by encouraging the Council to train our police force and citizens need to know what the appropriate actions of an officer are. If Council will not join the litigation against SB4, then please educate the community and direct the staff to distribute literature regarding this bill and the rights of your constituents. She provided her own personal experience regarding the detainment of her father for 6 months. This ended up being an error with the system and she does not want this to happen to any other family. Please join litigation against SB4.

Karen Munoz, San Marcos, addressed the Council on behalf of Alicia Guerrero. She provided a statement about the arrest and immigration hold placed on Ms. Guerrero's father, Martin Guerrero on June 29th for running a stop sign. She was thankful for the community that came to protest for her fathers release. She stated that this saddens her that this will limit people calling law enforcement when help is needed. She said we are not under the threat of the Federal Government with this Bill. She is worried about Immigration and Customs Enforcement (ICE) targeting San Marcos. She stated Hays County honors every ICE detainee that we have ever had.

Jordan Buckley, San Marcos, spoke about the need to have single member districts to better reflect the composition of our community. We need to look at racial dynamics, because he asked if it would have taken this long to address the SB4 issue if council composition was different. He stated his concern that the dining with dogs issue was more important than addressing this anti-immigration issue to council. He verbally attacked the Mayor and he stated that the Council needs to address the racial dynamics of the Council and this would be a good time to start.

Elizabeth Bryant, Driftwood, she addressed the Council regarding her upbringing and how her mother was taught to assimilate and hide her heritage in the community. She stated that SB4 literally sends the latino community into hiding. She stated that this community exists but not acknowledged. She

quoted Lyndon B. Johnson "a bill should be judged by the good it can do, but by the wrong it can cause" This bill is causing a wrong in our community. She stated that this Bill is causing issues within this community. Take a stand against SB4.

Amairany Villa, San Marcos, spoke about the growing fears within San Marcos regarding SB4. She stated that a system of transparency and accountability is crucial. A citizen police review board would reduce prejudice and would open communication between law enforcement and citizens. Citizen Police Review Boards have been established in larger cities such as Austin and San Antonio. A successful board would represent the citizens and police that equally represents our diverse community and law enforcement. This board would need to be balanced and show no partiality. Faith and confidence would be restored among the community. This bill is divisive and polarizing. The NAACP and League of Women's Voters urged the Council to create the Citizen Police Review Board.

## CONSENT AGENDA

A motion was made by Mayor Thomaidis, seconded by Council Member Gregson, to approve the Consent Agenda with the exception of the July 31, 2017 and August 1, 2017 City Council Meeting Minutes, which will be brought back at the next Regular City Council Meeting for consideration. The motion carried by the following vote:

**For:** 7 - Mayor Thomaidis, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

5. Consider approval, by motion, of the following meeting Minutes:
  - A) July 24, 2017 - 1st Budget Workshop Meeting Minutes
  - B) July 26, 2017 - 2nd Budget Workshop Meeting Minutes
  - C) July 28, 2017 - Workshop Packet Meeting Minutes
  - D) July 31, 2017 - Code SMTX Workshop Meeting Minutes
  - E) August 1, 2017 - Regular Meeting Minutes
6. Consider approval of Ordinance 2017-38, on the second of two readings, annexing into the City approximately 100 acres of land out of the Joel Miner Survey located at the Southwest Corner of Yarrington Road and Harris Hill Road in connection with the Whisper Development Project; approving a service plan for this area; including procedural provisions; providing for an effective date.
7. Consider approval of Ordinance 2017-39, on the second of two readings, approving an amendment to the Preferred Scenario Map of the City's Comprehensive Plan to change

the land use designation for approximately 100 acres of land out of the Joel Minor Survey, located at the southwest corner of Yarrington Road and Harris Hill Road from an Area of Stability to Employment Center in connection with the Whisper Development Project; including procedural provision; providing an effective date.

8. Consider approval of Ordinance 2017-40, on the second of two readings, amending the Official Zoning Map of the City by rezoning 706 acres of land, more or less, out of the Joel Miner Survey and located at the Southeast Corner of IH-35 and Yarrington Road, known as the "Whisper" Development Project, from "FD" Future Development District and "GC" General Commercial District to "MU" Mixed Use District, "VMU" Vertical Mixed Use District and "HC" Heavy Commercial District, with an Overlay District of "PDD" Planned Development District; approving standards for said planned development district; including procedural provisions; and providing for penalties.
9. Consider approval of Ordinance 2017-41, on the second of two readings, approving an amendment to the City's Official Zoning Map rezoning 0.11 acres of land, more or less, being a portion of lot 5, block 2, Dan McKie's Second Addition, Hays County, Texas, located at Lee Street from "T5" Urban Center to "SF-6" Single-Family District; and including procedural provisions.
10. Consider approval of Ordinance 2017-42, on the second of two readings, amending Section 18.095 of the San Marcos City Code that provides for a variance to allow dogs at food establishments by adding a requirement for a courtesy meeting with applicants for a variance, requiring training for food establishment employees regarding the Ordinance and the terms of any variance granted, modifying the requirements for signage and the standards for cleaning and sanitation at food establishments that allow dogs; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
11. Consider approval of Ordinance 2017-43, on the second of two readings, amending Ordinance 2017-05 which adopted a schedule of fees to be charged by the City for various City Services, by adding a new fee for the registration of Home Share Rentals (formerly known as Short Term Rentals); providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
12. Consider approval of Resolution 2017-121R, approving a Professional Services Agreement with Kimley-Horn And Associates, Inc. for the provision of Engineering Services in connection with the Sessom Creek Wastewater Improvements Project from N. LBJ to Canyon Road in the not-to-exceed amount of \$221,470 contingent upon the Engineer's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2017-122R, approving a Professional Services Agreement with Kimley-Horn And Associates, Inc. for the provision of Engineering Services in connection with the Wonder World Drive / Hunter Road Intersection Pedestrian and Bike Lane Improvements Project in the not-to-exceed amount of \$65,145

contingent upon the Engineer's provision of sufficient insurance in accordance with the attached agreement; authorizing the City manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

14. Consider approval of Resolution 2017-123R, authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division in the amount of \$57,500 for the purchase of rifle-rated ballistic vests for the sworn members of the Police Department and certain sworn peace officer members of the City Marshal's office, authorizing the City Manager or his designee to execute all documents related to the application, and declare an effective date.
15. Consider approval of Resolution 2017-124R, approving an Interlocal Cooperation Agreement with the Region 14 Education Service Center as lead agency for the National Cooperative Purchasing Alliance to establish a Cooperative Purchasing Program; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
16. Consider approval of Resolution 2017-125R, approving a contract between the City and AiresPro of Sugarland Texas, by and through the Texas Department of Information Resources ("DIR") Contract #DIR-TSO-3611, in the total sum of \$79,222, to purchase a Meter Data Management System that will provide detailed analysis of power losses and water losses in the City's Utility Systems; authorizing the City Manager to execute the contract on behalf of the City; and declaring an effective date.
17. Consider approval of Resolution 2017-126R, approving an Agreement between Tetra Tech, Inc. of San Antonio, Texas and the City of San Marcos for Professional Engineering Services to update the City's Storm Water Technical Manual and Low Impact Development Technical Appendix in the not to exceed amount of \$85,066 contingent upon the Consultant's provision of sufficient insurance in accordance with the attached agreement; authorizing the City Manager or his designee to execute this Agreement on behalf of the City; and declaring an effective date.
18. Consider approval of Resolution 2017-127R, approving a contract between the City and NuPark, Inc of Cedar Park, Texas by and through a Cooperative Purchasing Agreement with Region 14 Education Service Center as lead agency for the National Cooperative Purchasing Alliance, to purchase License Plate Recognition Software and Hardware for parking enforcement in the total not to exceed sum of \$219,137.50 for two years of service; authorizing the City Manager to execute the contract on behalf of the City; and declaring an effective date.
19. Consider approval, by motion, approving Amendment Number 07 to License Agreement 308 between the City and Computer Information Systems, Inc. in the amount of \$181,500 to configure the City's existing NIBRS (National Incident Based Reporting System) to meet NIBRS Standards, deploy the NIBRS System at SMPD and train SMPD personnel.

## **PUBLIC HEARINGS - 7:00 PM**

20. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2017-44, approving an amendment to the Preferred Scenario Map of the City's Comprehensive Plan to change the land use intensity designation for a 0.212 acre, more or less, tract of land located at 323 Lindsey Street from an area of stability to high intensity; amending the Official Zoning Map of the City by rezoning this tract from "MF-24" Multiple-Family Residential District to Smartcode "T5" Urban Center District; and including procedural provisions; and consider approval of Ordinance 2017-44, on the first of two readings.

**Shannon Mattingly, Director of Development and Planning Services, provided a brief update of the proposed amendment to the tract of land located at 323 Lindsey Street.**

**Mayor Thomaides opened the Public Hearing at 9:50p.m. and asked if anyone would like to speak on the item.**

**Jennifer Garcia, Austin TX, engineer for this project is here to answer any questions the Council may have.**

**There being no further comments, the Mayor closed the Public Hearing at 9:50p.m.**

**A motion was made by Council Member Gregson, seconded by Mayor Thomaides, to approve Ordinance 2017-44, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

21. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2017-128R, approving an agreement that grants a Smartcode Warrant allowing the use of Purpose Built Student Housing at 323 Lindsey Street and 410 North Street; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date; and consider approval of Resolution 2017-128R.

**Main Motion: a motion was made by Mayor Thomaides, seconded by Council Member Gregson, to approve Resolution 2017-128R.**

**Motion to Amend: a motion was made by Mayor Thomaides, seconded by Council Member Mihalkanin, to include language that the building will be substantially similar to the concept rendering presented to the City Council, illustrated in Exhibit A (attached). The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**Motion to Amend: a motion was made by Mayor Thomaides, seconded by Council Member Gregson, to amend by including the following provision: Residential leases for occupancy in any purpose built student housing development within the Site that are executed and effective before issuance of certificates of occupancy enabling the tenant to occupy the premises shall include a Late Delivery Provision clause providing as follows: “In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of:**

**a. Accepting temporary, safe, decent, and sanitary housing, provided by the Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Site, with Tenant remaining bound by the terms of the Lease, or**

**b. Terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days.” Before execution of any such leases, Owner or Owner’s assignee operating the residential development shall first provide a copy of its form lease to the City for review and approval consistent with this paragraph. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**Mtoion to Amend: a motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to have the developer provide periodic parking updates as needed or requested by Staff. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**Motion to Amend: a motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Mihalkanin, to add .85 parking spaces per bedroom. The motion carried by the following vote:**

**For:** 6 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales and Council Member Gregson

**Against:** 0

**Absent:** 1 - Council Member Derrick

**Main Motion: to approve Resolution 2017-128R, as amended. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

## **NON-CONSENT AGENDA**

22. Consider approval of Ordinance 2017-45, on first and final reading, ordering a General and Special Election to be held on November 7, 2017 for the purpose of electing a City Council Member for Place 3, a City Council Member for Place 4 and to submit proposed Amendments to the San Marcos City Charter to the Voters; establishing early voting locations and polling places for this election; making provisions for conducting the election; declaring an emergency; and providing an effective date

**Main Motion: a motion was made by Council Member Gregson, seconded by Mayor Pro-Tem Hughson, to approve Ordinance 2017-45.**

**Motion to Amend: a motion was made by Mayor Pro-Tem Hughson, seconded by Council Member Gregson, to include the amendments to the Propositions illustrated in Exhibit B (attached), within Ordinance 2017-45. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**Motion to Amend: a motion was made by Mayor Thomaides, seconded by Mayor Pro-Tem Hughson, to amend Section 3.09 of the Charter and the language of Proposition E to require the Council to hold at least twenty-two regular meetings each year instead of requiring the council to hold two regular meetings each month (outlined in Exhibit A, attached). The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

**Main Motion: to approve Ordinance 2017-45, as amended. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

23. Consider approval of Ordinance 2017-46, on the first of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code to require parking by permit only on the west side of the 400 Block of McGehee Street between Cheatham Street and Grove Street from 3:00 pm to 9:00 pm daily; amending the traffic register to reflect the designated permit area; and providing for an effective date.

**A motion was made by Mayor Thomaides, seconded by Mayor Pro-Tem Hughson, to postpone Ordinance 2017-46 to the September 5, 2017 City Council Meeting. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Mihalkanin, Council Member Gregson and Council Member Derrick

**Against:** 0

24. Consider approval of Resolution 2017-129R, approving the sale of a tract of property identified as Lots 14, Block 33, Victory Gardens (Property ID No. R46543), acquired by Hays County for unpaid taxes, to Dean Cherer for \$1,100; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.

**A motion was made by Mayor Thomaides, seconded by Mayor Pro-Tem Hughson, to postpone Resolution 2017-129R, to the September 5, 2017 City Council Meeting. The motion carried by the following vote:**

25. Consider approval of Resolution 2017-130R, adopting policy recommendations for inclusion in the 2018-19 Texas Municipal League Legislative Policy.

**A motion was made by Council Member Gregson, seconded by Council Member Mihalkanin, to approve Resolution 2017-130R. The motion carried by the following vote:**

**For:** 6 - Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Mihalkanin, Council Member Gregson and Council Member Derrick

**Against:** 0

**Absent:** 1 - Mayor Thomaides

26. Consider approval, by motion, authorizing the first Regular City Council meeting of October to be changed due to National Night Out, and authorizing the first Regular City Council meeting of November to be changed due to the General and Special Election.

**A motion was made by Mayor Thomaides, seconded by Mayor Pro-Tem**

**Hughson, to postpone this item to the September 5, 2017 City Council Meeting. The motion carried by the following vote:**

27. Consider approval, by motion, of a proposal to set the 2017 tax rate at a maximum of 61.39 cents per \$100 valuation, which is an increase of 8.37 cents, which is higher than the effective tax rate. The 8.37 cent increase was approved by voters during the May 2017 Bond Election for debt retirement of and operational expenses for public safety and library projects.

**A motion was made by Council Member Gregson, seconded by Council Member Derrick, to approve the proposal to set the 2017 tax rate at a maximum of 61.39 cents per \$100 valuation. The motion carried by the following vote:**

**For:** 7 - Mayor Thomaides, Mayor Pro-Tem Hughson, Deputy Mayor Pro Tem Prewitt, Council Member Mihalkanin, Council Member Gonzales, Council Member Gregson and Council Member Derrick

**Against:** 0

28. Receive a Staff presentation and hold discussion regarding the preliminary Fiscal Year 2017-2018 Budget, and provide direction to Staff.

**Heather Hurlburt, Director of Finance provided Council will the final items needing direction for the FY2018 Budget.**

**Laurie Moyer highlighted the following CIP Stormwater projects for 2018:**

- **Bishop Street Design**
- **Add stormwater funding to Coers Drive Imp**
- **Add stormwater funding to Guadalupe/LBJ Design**
- **Purgatory Creek Imp Design**
- **Sunset Acres**
- **Add funding to Travis Street/Heritage Drainage Outfall**
- **Add funding to Wallace Addition**

**Mrs. Moyer updated Council on the new Stormwater Projects for 2018 which include the following:**

- **Midtown Phase 2 – Uhland & Mill West of IH-35**
- **Land Acquisition for Regional Detention/WQ/flood storage**
- **Storm System Model**
- **Willow Creek Channel clearing**
- **Various Drainage Projects**

**The following project changes were outlined as well:**

**#477 – Guadalupe/LBJ Imp****Added funding in 2018****LBJ Bridge @ Purgatory Replacement prelim design****Turnback Negotiations****FY 19 CIP will update project scope****Downtown Reconstruction Phase 2 – design 2020****Underground Electric Master Plan complete 2018****#678 – Network Cabling Infrastructure****Added funding 2018****Support for new bond facilities****#31 – Comprehensive Plan****Moved up funding from 2019****Plan Update, Neighborhood Character Studies, Historic Survey****Chestnut Sidewalk Improvements:**

- Address Ped safety prior to project in 2022
- \$60K in Sidewalk fee-in lieu needed
- Change Order into NLBJ/Oakridge project

**Council agreed to spend \$60K from the Side walk fee-in-lieu funds for the Chestnut Sidewalk Improvements.**

**The following recommendations were presented:**

**Project #415 – Reconstruction of Downtown Alleys be moved from FY2020/FY2021 to FY2018/FY2019**

- Requires funding & workload reprioritization
- Completion of D.T. Underground Electric Master Plan

**Project #358 – Downtown Smartcode Water Quality Plan Implementation be moved from FY2019 to FY2018**

- 2018 construction of City Park and Downtown Biofiltration ponds

**Project #656 – Spray Pads East side/West Side (FY 2019) be replaced with Project #221 – Swimming Pool Complex East Side as identified in 2016/17 CIP.**

**Council directed Staff to keep the initial timelines and not move these to earlier dates due to the need for more urgent drainage projects.**

Next Mrs. Hurlbert addressed the Drainage Rate Modeling and the budget implications of moving forward. An engineer would have to be added to staff to support the increased workload. The funding for this position would come from the drainage fund as opposed to the General Fund. Council directed them to move forward with adding an additional engineer.

A rate adjustment of 15% over the next 5 years was proposed, which allows a slower steady increase that is consistent with the philosophy in other utility funds. Council directed Staff to move forward with this recommendation.

The following recommendation were made regarding Electric Utility:

- Rate adjustment not needed for FY2018, possible need for increase in three to five years.
- Achieved operating reserve level recommended by Standard & Poors of 60 days operating expense including Cost of Power in FY16
- Temporary increase of franchise fees from 7% to 8%
- Additional recurring and one-time operational expenses-\$753,800
- Capital Outlay Funding-\$419,000

Council approved the recommendations outlined in Exhibit C (attached) regarding Electric Utility.

The following recommendations were made regarding Water/Wastewater:

- 5% water rate adjustment (continue small and study) to fund capital projects
- 2% wastewater rate adjustment
- Temporary increase of franchise fees from 7 to 8%
- Additional recurring and one time operational expenses-\$376,000
- Capital Outlay funding-\$310,000

Water and wastewater separated on comparison chart – Heather will get this to council

Council approved the recommendations outlined in Exhibit D (attached) regarding Water/Wastewater.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

**Mayor Thomaides adjourned the regular meeting of the San Marcos City Council at 11:35 p.m.**

**Jamie Lee Case, TRMC, City Clerk**

**John Thomaides, Mayor**

EXHIBIT A



CONCEPTUAL RENDERINGS

LINDSEY STREET

## **EXHIBIT B**

### **PROPOSITION - A**

FOR/AGAINST      The amendment of Sections 1.01 and 1.02 to replace references to “municipal government” with the term “city government.”

### **PROPOSITION - B**

FOR/AGAINST      The amendment of Section 1.03 of the City Charter (Statement of Goals) to add the following as goals of the city government: to promote high quality affordable housing; and to conserve and protect the San Marcos River, its springs, aquifer, and tributaries.

### **PROPOSITION - C**

FOR/AGAINST      The amendment of Section 3.02 of the City Charter (Qualifications of Council Members) to allow the address shown on a current Texas identification card to be used, in addition to a current Texas driver’s license, to prove the person’s principal physical residence is in the city.

### **PROPOSITION - D**

FOR/AGAINST      The amendment of Section 3.05 of the City Charter to change all references to “mayor pro tempore” to “mayor pro tem” and to require the appointment of a deputy mayor pro tem after each regular election of council members.

### **PROPOSITION - E**

FOR/AGAINST      The amendment of Section 3.09 of the City Charter (Meetings of the City Council) to require the council to hold at least **twenty-two** regular meetings each year instead of requiring the council to hold two regular meetings each month.

### **PROPOSITION - F**

FOR/AGAINST      The amendment of Sections 3.09 and 6.02 of the City Charter to replace all references to the “city secretary” with the term “city clerk.”

### **PROPOSITION - G**

FOR/AGAINST      The amendment of Section 3.11 of the City Charter (Passage of Ordinances) to require the city attorney to approve the legality of

ordinances or file written objections prior to consideration by the city council **instead of after adoption.**

PROPOSITION - H

FOR/AGAINST The amendment of Section 4.01 of the City Charter (City Manager) to require a vote of at least five members of the city council, **instead of four**, to remove the city manager.

PROPOSITION - I

FOR/AGAINST The amendment of Section 4.02 of the City Charter (City Clerk) to allow the city clerk to authenticate ordinances and resolutions by electronic signature.

PROPOSITION - J

FOR/AGAINST The amendment to add a new section 4.07(Publication of Salaries) to require the salary range of each city position to be published on the city's website.

PROPOSITION – K

FOR/AGAINST The amendment of Section 5.03 of the City Charter (Filing For Office) to require all candidates to sign the code of fair campaign practices in the Texas Election Code and require campaign contribution reports to be legible.

PROPOSITION – L

FOR/AGAINST The amendment of Section 5.04 of the City Charter (The Official Ballot) to reword the first sentence thereof to read as follows:

“The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be ~~printed~~ **included** on the official ballots without party designation.”

PROPOSITION - M

FOR/AGAINST The amendment of Section 7.01 of the of the City Charter (Planning and Zoning Commission) to eliminate real property ownership as a requirement for appointment or continued service on the commission; increase the residency requirement for appointment from three years to five years; and delete obsolete references to a

commission member residing in the city's extraterritorial jurisdiction.

#### PROPOSITION - N

FOR/AGAINST The amendment of Section 7.02 of the City Charter (Powers and Duties of the Planning and Zoning Commission) to add a provision that requires the planning and zoning staff to consult with the city attorney and follow all city ordinances, rules, and regulations before making any recommendations to the commission; and requires the commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council.

#### PROPOSITION - O

FOR/AGAINST The amendment of Section 7.02 of the City Charter (Powers of the Planning and Zoning Commission) to clarify that a vote of at least six members of the city council (currently stated as "a three-fourths vote of the council") is required to reverse the denial of a conditional use permit by the commission and require appeals to the council on conditional use permit applications to be based on Texas and federal laws, city ordinances, and regulations.

#### PROPOSITION - P

FOR/AGAINST The amendment of Section 8.02 of the City Charter (Preparation and Submission of Budget) and Section 8.05 (Budget a Public Record) to require the city council to take the following actions each year in the preparation of the city budget: conduct a visioning session by January 31<sup>st</sup> ; conduct a budget policy workshop by February 27<sup>th</sup>; formulate a budget policy statement by March 31<sup>st</sup>; make copies of the proposed budget available at the San Marcos Public Library, at City Hall, and on the city's website; and publish the adopted budget and all supporting schedules on the city's website

#### PROPOSITION – Q

FOR/AGAINST The amendment of Section 11.04 of the City Charter (Ordinance Granting Franchise) to make the city's current practice of making the full text of an ordinance granting a public utility franchise available at the San Marcos Public Library, at City Hall, and on the city's website a charter requirement.

#### PROPOSITION - R

FOR/AGAINST The amendment of Section 12.02(a)(2) of the City Charter (Personal Interest and Code of Ethics) to add a provision to require updating of annual financial disclosure statements filed by city council members and members of boards and commissions within thirty days of any significant changes that would, if not disclosed, render the statement misleading or incomplete.

PROPOSITION – S

FOR/AGAINST The amendment of Section 12.02(a)(3) of the City Charter (Personal Interest and Code of Ethics) to prohibit members of the city council and city employees from purchasing land, materials, supplies or services from the city with the exception of purchases made available to all members of the public.

PROPOSITION - T

FOR/AGAINST The amendment adding a new subsection 12.02(4) to the City Charter to prohibit former council members from having any financial interest in the sale to the city of any land or interest in land or in a contract for consulting, development, or construction services for a period of two years after leaving office. Allowing the council or city manager to void contracts entered into in violation of this provision. Providing an exception for the city's acquisition of land or an interest in land from a former council member under the threat of eminent domain proceedings.

PROPOSITION – U

FOR/AGAINST The amendment of Section 12.02, Subsection (c) of the City Charter (Duties of the Ethics Review Commission) to add a new provision that gives the Commission the authority to conduct hearings and make recommendations regarding alleged violations of the city charter.

PROPOSITION - V

FOR/AGAINST The amendment to Section 12.03 of the City Charter (Nepotism) to reword the section caption to include both nepotism and conflict of interest; prohibit the employment or appointment of a business partner or person related within the second degree by affinity or

within the third degree by consanguinity to the mayor, a council member, the city manager, city clerk, city attorney or presiding judge of the city to any office, position, board, or commission of the city; and provide an exemption for persons who have been continuously serving in their office or position for at least six months prior to the election or appointment of the related public official.

PROPOSITION – W

FOR/AGAINST

Amending the City Charter to correct grammatical, punctuation and spelling errors.

# Electric Operating Recommendations

Requested Expense	Recurring/ One-time	Amount
Engineering Tech I	Recurring	107,000
Additional Tree Trimming Services	Recurring	235,000
Pole Attachment and Health Assessment Survey	One-Time	35,000
Professional Services to augment Engineering	One-Time	60,000
Integration services for OMS, SCADA, Milsoft, CAD	One-Time	125,000
Update Electric Utility construction standards	One-Time	55,000
Electric Utility line locating services	Recurring	15,100

# Electric Operating Recommendations

Requested Expense	Recurring/ One-time	Amount
Current Transformer test for CT metered accounts	One-time	35,000
Professional development for Lineman's College Metering Course	One-time	14,000
Strava Metro Data Services	Recurring	3,000
Inventory Technician	Recurring	69,700
Total		753,800

# Electric Capital Recommendations

Requested Expense	Recurring/ One-time	Amount
45 Foot material handling bucket truck	One-time	195,000
12 Foot dump trailer	One-time	8,000
URD Cable pulling machine	One-time	185,000
Lecia Viva GS16	One-time	31,000
Total		419,000

# W/WW Operating Recommendations

Requested Expense	Recurring/ One-time	Amount
Cross Connection Control BFP Tech	Recurring	69,000
Water Quality Technician	Recurring	111,000
EPA Mandated water sampling	One-time	30,000
AMI Supplies	Recurring	45,000
Meter Supplies	Recurring	111,000
Capping two wells at Oakridge Tank Site	One-time	10,000
Total		376,00

# W/WW Capital Recommendations

Requested Expense	Recurring/ One-time	Amount
Backhoe	One-time	90,000
Rubber Track Excavator	One-time	100,000
Vac-Hunter hydro excavator replacement skid	One-time	80,000
Isco Flow meter	One-time	40,000
Total		310,000

# W/WW Operating Recommendations

Requested Expense	Recurring/ One-time	Amount
Cross Connection Control BFP Tech	Recurring	69,000
Water Quality Technician	Recurring	111,000
EPA Mandated water sampling	One-time	30,000
AMI Supplies	Recurring	45,000
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Backhoe	One-time	90,000
Rubber Track Excavator	One-time	100,000
Vac-Hunter hydro excavator replacement skid	One-time	80,000
Isco Flow meter	One-time	40,000
Total		310,000



# Economic Development – Notable Projects

## Completed

- GSMP Vision 2020 Plan
- Impediments to Fair Housing Plan
- Youth Master Plan
- Economic Development Policy
- Water, Wastewater Master Plans
- BIG Grant
- Streetscape Improvements Manual
- Airport Plans and Infrastructure Improvements
- Bond Election for City Facilities

## Active

- Code SMTX
- Electric, Watershed, and Transportation Master Plans
- Evaluation of City Owned Property
- Airport Overlay Ordinance
- Parks Master Plan
- Cross-Town Pathway



# Environmental Protection— Notable Projects

## Completed

- Stormwater Technical Manual
- New Environmental Inspections Manager
- Watershed Protection Planning Efforts and MS4 Program
- New Arborist Position
- SECO Loans
- Conservation tiers in Utility Rate structure
- Floodplain Ordinance Updates/ Floodplain Renter Notification
- Code Red Alert Works

## Active

- Code SMTX
- Watershed, Parks, Transportation/Greenways Master Plan
- Inspection Program for Existing Detention Ponds
- Water Development Board Grant for Property Acquisition
- Tree City USA Application/ Tree Ordinance
- Reclaimed Water Expansion
- Solid Waste Task Force Recommendations
- Disaster Recovery Grant Implementation
- Environmental/ Erosion Control enforcement program



# Land Use– Notable Projects

## Completed

- Annexation and ETJ Management Plan
- Affordable Housing Policy
- Strategic Transit Plan
- TxDOT Roadway Negotiations
- Complete Streets Policy
- Stormwater Technical Manual
- Land Use Suitability Map

## Active

- Code SMTX
- Affordable Housing Sub-committee
- Watershed, Transportation, Electric, Master Plan
- Downtown Parking Management
- Mobility Hub
- Parks Master Plan
- Update to Drainage Utility Fee



# Neighborhoods and Housing— Notable Projects

## Completed

- Annexation and ETJ Management Plan
- 5 Year Strategic Transit Plan
- Neighborhood Parking Permit Program
- Texas State Master Plan
- Affordable Housing Policy
- Nuisance Abatement Program
- SMTX Connect App
- Neighborhood Workshops

## Active

- Code SMTX
- Downtown Parking Management Plan
- Affordable Housing Sub-Committee Meetings
- Impediments to Fair Housing report



# Parks and Public Facilities— Notable Projects

## Completed

- Annexation and ETJ Management Plan
- Facilities Master Plan
- Sidewalk Inventory
- 5 Yr Sidewalk Maintenance and Gap Program
- Vehicular Way Finding
- 5 Year Strategic Transit Plan
- Social Services Needs Assessment Study
- Governor's Achievement Award Projects
- Bond Election for public safety and library

## Active

- Code SMTX
- Transportation Master Plan
- Arts Master Plan
- TX Police Chief's Best Practices Program



# Transportation– Notable Projects

## Completed

- 5 Yr. Strategic Transit Plan
- 5 Yr Sidewalk Maintenance & Gap Infill Program
- Complete Streets Policy
- Texas State Master Plan
- CAMPO 2040 Plan
- Bus Stop Installations

## Active

- Code SMTX
- Transportation Master Plan
- Parks Master Plan
- CM Allen Green Streets Pilot